

REMARKS

Claims 1-5, 7-12, and 14-64 are currently pending in the application.

Claim 1 has been amended in accordance with the Examiner's suggestion in the final office action. The amended claim finds support in the specification, and no new matter has been added.

Specifically, the preamble of base claim 1 has been amended without prejudice to recite a method of diagnosing a precancerous lesion, as opposed to the previously recited preamble of a method of detecting a precancerous lesion.

Further, the interpretation step of the claim 1 has been amended to reflect the amended preamble. Specifically, the interpretation step has been amended to recite in part "thereby indicating a pre-cancerous lesion", as opposed to the previous recitation of "thereby detecting a pre-cancerous lesion".

Claims Rejections – 35 U.S.C. Section 102

The Office Action states that claims 1-5, 7-8, 12, 14-30 and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by Palefsky et al.

Applicant respectfully traverses the rejection as applied to the newly amended claims.

The examiner states in the final office action that the art cited in the 102 rejections does "not teach or suggest diagnosis of precancerous lesions". Accordingly, the preamble of claim 1 has been amended without prejudice, to recite a method of diagnosing a precancerous lesion. Additionally, the interpretation step of claim 1 has been amended to recite in part "thereby indicating a pre-cancerous lesion".

In view of this amendment to base claim 1, Applicant respectfully requests reconsideration and withdrawal of the rejection of base claim 1 and its dependent claims 2-5, 7-8, 12, 14-30 and 64.

The Office Action states that claims 1-5, 7-12, and 14-64 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Doorbar et al., and directs attention to Figures 2-4 of the Doorbar et al. reference.

Applicant respectfully traverses the rejection, especially as applied to the newly amended claims.

The examiner states in the final office action that the art cited in the 102 rejections does “not teach or suggest diagnosis of precancerous lesions”. Accordingly, the preamble of claim 1 has been amended without prejudice, to recite a method of diagnosing a precancerous lesion. Additionally, the interpretation step of claim 1 has been amended to recite in part “thereby indicating a pre-cancerous lesion”.

In view of this amendment to base claim 1, Applicant respectfully requests reconsideration and withdrawal of the rejection of base claim 1 and its dependent claims 2-5, 7-12, and 14-64.

Double Patenting

The office action states that Claims 1-5, 7-12, 14-64 are rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,346,377.

While not necessarily acquiescing to the rejection, Applicant has filed a terminal disclaimer concurrently with this response to Final Office Action.

In view of this terminal disclaimer, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-5, 7-12, and 14-64.

Conclusion

Applicant submits that all claims are allowable as written and respectfully request early favorable action by the Examiner. If the Examiner believes that a telephone conversation with

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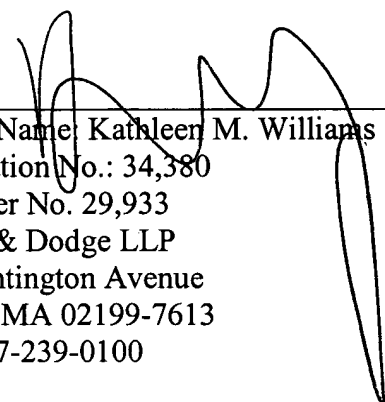
Page 12

Applicant's attorney/agent would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned attorney/agent of record.

Respectfully submitted,

Date:

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